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Council Proceedings

Official Report

Bengal Legislative Council

Seventeenth Session, 1925

7th January, 1925

LEGISLATIVE
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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble VICTOR ALEXANDER GEORGE ROBERT BULWER-LYTTON, Earl of Lytton, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir ABD-UR-RAHIM, Kt., Vice-President, in charge of the following portfolios:—

1. Judicial.
2. Emigration.
3. Immigration.
4. Jurisdiction.
5. Legislative.
6. Haj Pilgrimage.

The Hon'ble Sir HUGH STEPHENSON, K.C.I.E., C.S.I., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political (excluding Haj Pilgrimage).
3. Police.
4. Jails.
5. Ecclesiastical.

The Hon'ble Mr. J. DONALD, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Reserved Industrial Subjects.
4. Marine.
5. European Education.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded Areas.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Sir EVAN COTTON, KT., C.I.E.

DEPUTY PRESIDENT.

(Vacant.)

Panel of Chairmen for the Seventeenth Session.

Kumar SHIB SHEKHARESWAR RAY,
Sir WILLOUGHBY CAREY, KT.
Babu JATINDRA NATH BASU, and
Maulvi EKRAMUL HUQ.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. DE C. WILLIAMS, I.C.S., A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. MCKAY (on leave), M. MUKHERJI (officiating).

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addams-Williams, Mr. C., C.I.E. (Nominated Official.)
Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Aley, Khan Bahadur S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader. [Dinajpur (Muhammadan).]
Band, Mr. R. N. (Indian Jute Mills Association.)
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. (Burdwan Landholders.)
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Beg, Khan Bahadur Mirza Shuja'at Ali. [24-Parganas Municipal (Muhammadan).]
Birley, Mr. L., C.I.E. (Nominated Official.)
Bose, Babu Bejoy Krishna. (Calcutta University.)

C

Carey, Sir Willoughby, Kt. (Indian Mining Association.)
Chakravarti, Mr. Byomkes. [24-Parganas ~~Rural~~ South (Non-Muhammadan).]
Chakravorti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]
Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E. [Dacca West Rural (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]

Chaudhury, Maulvi Md. Nurul Huq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Choinuddin, Khan Bahadur Maulvi Md. [Rajshahi North (Muhammadan).]
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Chunder, Mr. Nirmal Chandra. [Calcutta North Central (Non-Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Corcoran, Mr. B. J. [Dacca and Chittagong (European).]
Currie, Sir William, Kt. (Bengal Chamber of Commerce.)

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohon. [Faridpur South (Non-Muhammadan).]
Das, Mr. C. R. [Midnapore South (Non-Muhammadan).]
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Doss, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

E

Eddis, Mr. B. E. G. (Bengal Chamber of Commerce.)

F

Faroqui, Khan Bahadur, K. G. M. (Nominated Non-official.)
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Muncipal (Non-Muhammadan).]
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan. [Mymensingh West (Muhammadan).]
Godfrey, Sir George, Kt. (Bengal Chamber of Commerce.)
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Goode, Mr. S. W. (Nominated Official.)

Gordon, Mr. A. D. (Indian Tea Association.)
Guha, Mr. P. N. (Nominated Non-official.)

H

Haldar, Mr. S. N. [Calcutta South (Non-Muhammadan).]
Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Heard, Major General R., C.I.E., M.D., K.H.S. (Nominated Official.)
Hopkyns, Mr. W. S., O.B.E. (Nominated Official.)
Hoque, Maulvi Sayedal. [Noakhali (Muhammadan).]
Hossain, Khan Bahadur Maulvi Musharruf. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Maulvi A. K. Fazl-ul. [Bakarganj West (Muhammadan).]

J

James, Mr. F. E. [Presidency and Burdwan (European).]
Joardar, Maulvi Aftah Hossain. [Nadia (Muhammadan).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Raschid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammed, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Liddell, Mr. H. C. (Nominated Official.)

M

Mahammad, Maulvi Basar. [Rangpur West (Muhammadan).]
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Marr, Mr. A., C.I.E. (Nominated Official.)
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
Mitra, Babu Jogendra Nath. [Jessore South (Non-Muhammadan).]
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Mitter, Sir Provash Chunder, Kt., C.I.E. (Presidency Landholders.)

Moreno, Dr. H. W. B. (Anglo-Indian.)
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Khaje. [Bakarganj South (Muhammadan).]
Neogi, Babu Manmohon. [Mymensingh West (Non-Muhammadan).]

O

Oaten, Mr. E. F. (Nominated Official.)

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Phelps, Mr. T. J. (Calcutta Trades Association.)
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, the Hon'ble Sir Abd-ur., Kt. (Member, Executive Council.)
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra. (Member, Executive Council.)
Roy Chaudhuri, Mr. K. C. (Nominated Non-official.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]

Roy, Mr. D. N. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. S. N. (Nominated Official.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Raja Maniloll Singh, C.I.E. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Chaudhury, Babu Brajendra Kishore. (Dacca Landholders.)
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sen, Mr. N. C. [Bakarganj North (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Stephenson, Sir Hugh, K.C.I.E., C.S.I. (Member, Executive Council.)
Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]
Swan, Mr. J. A. L., C.I.E. (Nominated Official.)

T

Tarafdar, Maulvi Rajib Uddin. [Bogra (Muhammadan).]
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Woodhead, Mr. J. A. (Nominated Official.)

Y

Yasin, Maulvi Muhammad. [Burdwan Division North (Muhammadan).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Seventeenth Session.)

VOLUME XVII—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 7th January, 1925, at 3 P.M.

Present :

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council and 122 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown :—

MR. L. BIRLEY, C.I.E.

MR. W. S. HOPKYNS, O.B.E.

BABU AMULYA DHONE ADDY.

MR. BYOMKES CHAKRAVARTI.

Congratulations to the Hon'ble the President.

Babu SARAT CHANDRA BASU: Mr. President—Sir, allow me to offer our hearty congratulations to you for the honour that has been conferred on you.

Mr. PRESIDENT (the Hon'ble Sir Evan Cotton): That is quite out of order, Mr. Basu. But if you wish to do so, I suppose I must allow you.

Babu SARAT CHANDRA BASU: It is a pleasure to me, Sir, to congratulate you. Now-a-days titles and distinctions in India are of a very fluctuating value, and people generally look askance upon the recipients of titles. But in your case there has been a real recognition of merit, and titles in your case show undoubtedly the loyal discharge of your duties

and your devotion to literary work, and above of all your good qualities as a gentleman. In your case the distinction that has been conferred upon you is a thing of sterling beauty and joy for ever.

Mr. PRESIDENT: I am very much obliged to you, Mr. Basu, for your kind congratulations, but I must say that I hardly recognise the portrait drawn of myself. But as it comes from a very old friend, I have received it with great pleasure.

Vacancy in the Office of Deputy President.

Mr. PRESIDENT: I have to inform the Council that a vacancy exists in the office of the Deputy President by reason of the resignation of Major Hassan Suhrawardy of his membership of the Council. The election of a successor will take place at a meeting which is to be held in February of which due notice will be given in order that nominations may be received.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I have nominated the following members of Council to form a panel of four Chairmen, *viz.*—

Kumar SHIB SHEKHARESWAR RAY,

Sir WILLOUGHBY CAREY, KT.

Mr. JATINDRA NATH BASU, and

Maulvi EKRAMUL HUQ.

Unless otherwise arranged, the senior member among them present in the order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Gentlemen, we expect His Excellency the Governor at ten minutes past 3. He has expressed a wish to address the Council.

Points of order.

Mr. H. S. SUHRAWARDY: May I, Sir, on a point of order ask whether His Excellency will sit in the visitors' gallery after addressing the Council from the Chair, and if it is for this reason that the galleries have been deprived of visitors? My next question will depend upon your answer.

Mr. PRESIDENT: That question is out of order. The arrangements that may have been made within the Council depend entirely on me and I decline to discuss the question with any member of the Council.

Maulvi NURUL HUQ CHAUDHURI: Is it not a fact that no visitors will be allowed except press representatives? If so, why is a distinction going to be made in the case of His Excellency?

Mr. PRESIDENT: Order, order. The hon'ble member should wait and see before he starts questioning.

Babu BEJOY KRISHNA BOSE: Sir, when I was coming to attend the Council meeting, my car was stopped by a police officer from proceeding inside the compound of the Town Hall. Does your order with regard to the visitors apply to the members also? If not, will you please issue the necessary tickets to members so that their cars may not be held up by the police officers?

Mr. PRESIDENT: I have no responsibility for any arrangement made outside the building. My responsibility is concerned with the inside of the Chamber.

Babu BEJOY KRISHNA BOSE: To whom then am I to mention the matter?

Mr. PRESIDENT: Not to me. I recommend you to make inquiries.

Babu BEJOY KRISHNA BOSE: May I ask Sir Hugh Stephenson?

Mr. PRESIDENT: No, you cannot do it now in the form of a question.

At this stage the Registrar to the Council announced to the Hon'ble the President that His Excellency the Governor was without.

The Hon'ble the President then left his seat on the *dais* and met His Excellency at the head of the staircase. His Excellency then entered the Chamber with the Hon'ble the President, and, at the request of the Hon'ble the President, took his seat on the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.

His Excellency the Governor's address.

HIS EXCELLENCY the GOVERNOR of BENGAL (the Earl of Lytton): GENTLEMEN—This Council has met, as you know, in a special session for one purpose, and one purpose alone, namely, to consider the proposals of my Government for suppressing terrorist crime in the Province. I shall not discuss the provisions of the Bill which will be submitted to you or say anything to-day of a controversial character. The only justification for a Bill of this kind is that the welfare of the State as a whole is in danger and that the danger cannot be averted by any other means. In the speeches which I have recently made I have tried to explain the circumstances in which my Government have felt constrained

to take this action and to restrain the liberty of a few men in order that the liberty of many may be secured. It is not necessary for me to repeat what I have already said and it will be for you to decide when you have heard the case, which of the two evils is the greater, that a secret organization should be left free to threaten the lives of those of whom they disapprove or that the ordinary processes of law should be suspended for a limited time and in the case of a few individuals, in order to prevent the commission of violent crime and the spread of terrorism throughout the Province.

Any Government which seeks to employ exceptional measures to deal with exceptional conditions must satisfy the general public that the special powers will only be used to deal with the special circumstances and that all reasonable safeguards have been provided against their abuse or their application to ordinary political activities. In the Bill which we have drafted and which will be submitted to you to-day we have endeavoured to provide such safeguards and to limit the use of the powers, which the Bill contains, to those conditions alone which have constituted the danger to the State against which the Bill is aimed. You will have to determine when you come to discuss the clauses of the Bill how far we have been successful. I earnestly hope that, when you have heard from the Hon'ble Member the case for the Bill of which he is in charge, you will realize the necessity for some legislation of this kind and will help the Government to make its provisions as effective as possible for dealing with an admitted danger.

Gentlemen, I recognize that the subject matter of this Bill is intensely controversial. It would be improper for me to make any speech on this occasion which would aggravate the controversy or embitter the discussion. My sole object in coming to address you at all is, if possible, to make it easier for all of you to conduct your debate in a spirit of mutual tolerance and respect. Differences of opinion in political matters there must always be in a healthy State, also personal rivalries among leaders and struggles of contending parties for power, and these things will often call forth bitter expressions in the clash of argument in debate. In such matters, so far as they exist in Bengal, it is always my desire to keep aloof and detached as far as possible, not to take sides but to be an impartial friend to all those who, in the exercise of their constitutional rights, are willing to accept my friendship or advice. In the present transitional stage of the constitution, this task is rendered extraordinarily difficult by reason of the divided responsibility which is placed upon me. But it is made far more difficult by the existence in this country of a deep-rooted distrust of Government as such which does not exist elsewhere. I recognise that this is due to the fact that the Government in this country has for so long been without any element of responsibility to representatives of an electorate. Parliament has also recognized this fact and has in recent years pledged itself to a policy of progressive advance towards

full responsible and representative Government. The success of this policy in its initial stage is, however, still hampered by that spirit of mistrust which is studiously fostered in the Indian press.

In the last few weeks this measure which we have felt obliged to introduce has been made even more controversial than its nature necessitates by the constant reiteration in the Press of the charge that the Government of Bengal has abused its powers in the past. They have been accused of fabricating false charges, of planting arms upon innocent men, and of trying to secure convictions by perjured evidence. It is also stated—and has recently been repeated by an ex-Member of the Secretary of State's Council—that the High Court have on occasions condemned them for their action. These general and in that form wholly undeserved charges prove on investigation to be founded almost always on a single case—namely the Mussalmanpara bomb case of 1914, and it is time that the Government and its police officers should once and for all be absolved from the absolutely false charge which is so often repeated against them in connection with that case.

Whenever in all the miasma of falsehood which clouds the actions of Government in this country I have wanted to reveal the truth, I have generally been prevented by the need for secrecy—by considerations of somebody's life or reputation. It happens, however, that by a strange chain of circumstances I am in a position to tell the truth concerning this one case and I am going to do so in the hope and belief that it will help everyone to escape from the unhappy situation in which we are all placed.

Gentlemen, in that case there was an error of our imperfect human justice and a remarkable illustration of divine justice. A guilty man was declared innocent, but, whereas, if he had been found guilty, the only thing which the law could have done with him in the name of justice would have been to hang him by the neck until he was dead or to shut him up in prison for life, by a miscarriage of justice, or, may we suppose, by the intervention of Providence, he was declared innocent. His life was given back to him and a chance afforded to him to redeem the past. This unexpected, and some perhaps may think undeserved, opportunity has since been gloriously utilized and the man has abundantly made good. The divine law of the forgiveness of sins has in his case triumphed over the human law of retribution—a life for a life. Perhaps you will remind me that three High Court Judges declared the accused man in that case to be innocent and condemned the prosecution for trying to destroy him by perjured evidence and you may ask me what right, what justification I can have for now declaring him to be guilty. I do not of course criticise the verdict of the court on the evidence before it, but my answer is that I am privileged to know the man and that I am not ashamed to call him my friend. My authority for what I have said is no less a one than his own. The story of how I came to make his acquaintance and of my

subsequent relations with him is one of the most dramatic and interesting episodes of my life. Let me tell it to you as shortly and as simply as I can. I first heard of him when I visited Newcastle in 1921 with the Indian Students Committee. I then learnt from all the authorities at that University that Nogendra Nath Sen Gupta was the best student, the best scholar and the finest character that had ever come to them. They could not speak too highly of the wonderful influence which this man had exercised while he was in their midst. On my return to London, I made inquiries about the student who had been recommended to me in such glowing terms and found that he was none other than the accused in the Mussalmanpara bomb case of which I had never heard till that moment. I then looked into the records of the case at the India Office and found unmistakable proof of his guilt; I marvelled that so much good had come out of so much evil. When I came to Bengal the following year I made his acquaintance. He was living at that time at the Oxford Mission at Behala and the good opinions I had heard of him in England were confirmed by those who knew him most intimately at that time. I found that he had sincerely repented of the crime of his youth and had determined to devote the life which had been given back to him to making amends for the past and to saving others from falling into the same error. But a difficulty confronted him. His position before the world was a false one. He was regarded as the innocent victim of Government oppression and in that capacity he was wedded to falsehood for life. On the other hand to surrender the certificate of innocence which he had received from the law required a higher standard of moral courage than I was prepared to find in any man. I did eventually find, however, to my surprise and delight that the character which had been so strongly recommended to me by those who knew it was great enough even for this supreme test, and I learnt that he was prepared, at whatever cost to himself, to correct the injustice which belief in his innocence involved and to stand before the world in his true colours—as a man who, in the mistaken belief that he was thereby serving a righteous cause, had committed a grievous crime in his youth but who, by his subsequent blameless conduct and hard work, had made atonement. Although this was indicated to me soon after I first met him it was a long time before I felt I knew him well enough to discuss with him face to face the sacrifice which he was prepared to make, and then only when I became convinced that the greatest service he could now render to his country was to dispel by the light of truth the falsehood and prejudice which had gathered round the case in which he was involved. He has recently given me his permission to tell the truth, subject to this single condition that I shall make it clear that in confessing his own guilt he had not incriminated any one else. He has now removed by a supreme act of self-sacrifice the only burden which still rested on his conscience and he stands absolved in the eyes of God and man. I hope that those true friends who believed in his innocence and

stood by him in adversity will not think the worse but the better of him for this confession, and I rejoice to know that he can now take in friendship the hand of the men whom he once sought to kill. He has passed through the fire and come out purified and the truth in this dark story has at last been revealed.

Gentlemen, I have told this story not merely for the purpose of clearing a former Government of a false charge, but in the hope that this example may help us without any submission or surrender on one side more than on the other to find a common meeting ground. You know the saying once uttered by the founder of Christianity, though the purport of it is not confined I believe to the Christian religion but is common to many others, "know ye the truth and the truth shall make you free". Here is a truth by which one man has made himself free. May we not all use this same truth to make ourselves free also—free from the antagonism which now enslaves us? With this example before us of all the evil that must result from hatred and violence and of all the good that can follow the abandonment of such methods, can we not all join in offering to the young patriotic men of Bengal a better way of serving their country than by importing arms and manufacturing bombs for the destruction of its supposed enemies? I appeal to you with all the force I can command to help us in saving your country from the greatest evil which can overtake it. If you once allow secret terrorism to be established in your midst it will become a habit that you will never be able to eradicate. It is not merely British officials who are affected by it and no change in the form of Government will get rid of it. It will be resorted to by any discontented minority under any form of Government. Some of you know that this evil has already spread to a dangerous extent. It has even been used against some members of this Council in the course of their ordinary political activities and in the exercise of their constitutional rights. If you do not make a firm and courageous stand against it, now it will become the ruin of your country and a far greater menace to your personal liberty than this law which my Government is placing before you can ever be. Some of you again may sympathise with the motives which inspire these methods of terrorism to-day, but if these methods are successful it will be your turn to be destroyed by them to-morrow. Your Swaraj Government, when it comes, will never have a chance of success if you once admit the right of those who disapprove of it to threaten the murder of those who are responsible for it.

Gentlemen, we all deplore the necessity for special legislation of this kind, but you will not get rid of that necessity by rejecting this Bill. You can do something better than that. You can help to make it a dead letter when it is passed. Some of you have influence with the men who have adopted terrorism as a means to their end. I appeal to you to take to heart the story I have just told you and to make it the starting point of a new chapter in the political history of Bengal. If you will persuade

these men to sink their weapons in the waters of the Hooghly and to abandon terrorism once for all as a political method, we will promise you our whole-hearted co-operation in providing them with other and better ways of serving their country. I offer you my assistance with both hands in finding the best means of progressing towards the realization of those ideals which we have in common. With your help and goodwill my Government can do more good to those who look to us for assistance than we can do against your opposition. With our help you can do more good in remedying the many social and economic grievances of the people than you can if you are wasting your energies in barren political controversy. We cannot in this Council settle the constitution of India, but we can, if we will, build up in the villages and country districts of Bengal workable self-governing representative institutions which will serve as a solid foundation on which the final structure of provincial self-government can afterwards be raised. That is in our power—that we can do ourselves without reference to the Government of India or to Parliament: is it not the best service we can render to the people of Bengal? Is it not the best service which Bengal can render to the people of India?

If this Council will resolve to-day that terrorism and secret conspiracy shall cease and that all parties shall come together to evolve the best possible system of local self-government in the rural districts to serve as a foundation for ultimate Provincial Self-Government, future generations will have cause to bless your labours and to say of this Council that it proved a turning point in the constitutional history of India, as it turned Bengal from the wilderness of profitless strife in which she was wandering and set her feet upon a broad high-way which led straight to the promised land of her political aspirations."

His Excellency the Governor then left the Council, preceded by the Hon'ble the President.

Death of a past member.

Mr. PRESIDENT: Since the Council last met we have had to deplore the death on the 16th September of Mr. Bhupendra Nath Basu who was appointed to be a member of the Executive Council on April 16 but was unhappily compelled by reason of ill-health to resign that office on the 31st of July. Almost the whole of Mr. Basu's life was devoted to the public service. He was a member of the Bengal Legislative Council from 1903 to 1907 and again from 1909 to 1912. In 1915 he was elected to the Viceroy's Legislative Council and in 1917 was nominated by Mr. Montagu to be a member of the Secretary of State's Council. In 1923 he was appointed to be a member of the Royal Commission on the Public Services and it is to be feared that his unremitting exertions in this connection contributed largely to the breakdown in his health. While he was at the India Office it was well known that

he was the righthand man of Mr. Montagu in connection with the shaping of the Government of India Act. As Vice-Chancellor of the University of Calcutta he completed a long term of ceaseless service to the University and his tact and calm judgment in the discharge of that office won universal approval. By those who like myself, were honoured by being counted among his intimate personal friends his loss is deeply felt. But the sense of bereavement is general. Among the many great men to whom the Presidency of Fort William in Bengal has given birth Mr. Basu will always take a foremost place. We have now nothing but his example left to us and there could be no better example to set before the rising generation.

Death of Mr. Montagu.

Mr. PRESIDENT: Although the late Mr. Edwin Montagu was not officially connected with the Bengal Legislative Council, I feel that it will be in accordance with the wish of every member that I should make some allusion to the loss which India has sustained by his untimely death. Mr. Montagu will always stand out in history as the only front-bench man in the British House of Commons who can be said to have devoted himself wholeheartedly to the cause of India. Those of us who saw him at work in the India Office and were privileged to work with him can testify to the hold which India had upon his mind. It is not within the province of the Chair to discuss the merits or the demerits of the Government of India Act which will always be associated with his name, but this much it may be permitted to me to say—for I feel that I am echoing the sentiment of every member—that that Act will always remain as a monument of courage, foresight, sympathy and real understanding of Indian aspirations. He has been cut off in the prime of his manhood and not only does India mourn a true and faithful friend, but Great Britain has lost one of her most brilliant statesmen.

Mr. PRESIDENT: I would ask the members of the Council to rise from their seats.

All the members stood up.

Mr. PRESIDENT: I feel I have your consent to send to the relatives of Mr. Basu and Mr. Montagu an expression of condolence from this Council.

Letter from Mr. Tindall.

Mr. PRESIDENT: I call upon the Secretary to read a letter from Mr. Christian Tindall, late Secretary to the Council.

The Secretary to the Council then read the following letter:—

DEVON,

October 21, 1924.

MY DEAR BARTLEY,

I acknowledge with very many thanks the receipt of your letter and of the copy of the Proceedings containing the very kind reference made in Council by the Hon'ble the President as to my work as Secretary and the motion passed thereon. I am most grateful to the Hon'ble the President and to the Members of the Council.

Yours sincerely,

C. TINDALL.

J. BARTLEY, ESQ., I. C. S.

Secretary to the Government of Bengal and
Secretary to the Bengal Legislative Council.

Point of Order.

Babu SARAT CHANDRA BASU: Sir, on a point of order, may I submit that the Council has not been properly constituted for this session for two reasons. First of all, I submit that in the notice that we have got —I am referring to Circular No. 14420-14542 L., dated the 22nd December, 1924—it is stated that His Excellency the Governor has decided not to allot any time for non-official business. With reference to this I would draw your attention to Section 18 (Rule 6) of the Bengal Legislative Council Rules and Standing Orders, which says: "The Governor after considering the state of business of the Council, *shall*, at the commencement of each session allot as many days as are in his opinion compatible with the public interests for the business of non-official members in the Council, ..." Sir, it is essentially necessary that some days should be allotted—however small the number—for non-official business, and the wording is clear on this point. But in the Circular it is stated that His Excellency has decided not to allot any time for non-official business. So this session of the Council cannot be said to be properly constituted as it is a maimed and emasculated session in which no time is allotted for non-official business.

My second reason is this: Two of the members are, I find, detenues. I do not know whether they have been summoned to attend. If they have been so summoned, as I am just now told they have I understand been prevented from coming here on account of their detention. I find in the rule that all the members shall be summoned to attend the Council. It would be an offence under the Indian Penal Code to prevent them

from coming to the Council—Issuing summonses on the one hand and preventing their coming on the other is not a *bona fide* summons and therefore such summonses amount to no summons at all. For this reason also I submit that the Council is not properly constituted. There are sections in the Indian Penal Code which make it an offence to prevent attendance in obedience to the summons.

Mr. PRESIDENT: You need not trouble about them.

Babu SARAT CHANDRA BASU: In any case issuing the summons with the intention of not summoning is not summoning at all and therefore the present session is not properly constituted.

Mr. PRESIDENT: The two points which have been raised can be very easily dealt with. I will take the second point first. With regard to this it is sufficient to say that the provisions of section 2 (*b*) of the Legislative Council Rules and Orders have been strictly complied with. A summons has been sent to every member of the Council and also all the papers relating to the business before the Council. It is not in my power either to prevent or to compel the attendance of any member and when once the Secretary has sent a notice of summons to every member to attend the meeting, the duty of the officers of the Council is discharged and no further question arises either with regard to myself or with regard to the Secretary. I may add for the information of Mr. Basu that every notice of amendment received from any member, if it is in order, has been placed on the paper. Therefore, we have done nothing to bring ourselves within the provisions of the Indian Penal Code. Nor does that question arise. That disposes of the second point.

With regard to the first point, the question of the allotment of business rests entirely with the Governor under rule 18 which says that the Governor "shall . . . . allot as many days as are in his opinion compatible with the public interests, etc." If the Governor thinks that no days are necessary he will allot no days. The matter is one over which I as President of the Council have no control and with which I have no concern. It is a matter entirely within the discretion of the Governor.

Starred Questions

(to which oral answers were given).

Cases connected with crimes of a political nature.

***1. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) the number of cases connected with violent crimes of a political nature that have been brought before the law courts during the last five years;

(*ii*) the number of such cases that ended in conviction;

(*iii*) the number of such cases in which witnesses, trying officers and juries were intimidated or threatened; and

(*iv*) the nature of intimidations referred to in (*iii*)?

(*b*) Will the Hon'ble the Member be pleased to state the names and number of such cases during the last five years which failed through intimidations as detailed below:—

(*i*) where witnesses refused to give evidence;

(*ii*) where juries refused to convict; and

(*iii*) where the trying officers refused to do their duty?

(*c*) Have any of the trying officers, witnesses, juries and assessors, actually suffered physically after intimidation was offered?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble the Member be pleased to state the names of such persons?

MEMBER in charge of the POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): Government have always maintained that the expression "crimes of a political nature" is not susceptible of definition. It is impossible therefore to enumerate the cases referred to. Moreover, Government consider that it would not be in the public interest to disclose the details of cases of intimidation of juries, witnesses and officers.

Searches and arrests under Bengal Criminal Law Amendment Ordinance.

*11. **Babu MANMOHON NEOGI:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) how many houses have been searched and how many arrests have been made on 25th October, 1924, and on any subsequent day in exercise of the powers conferred by the Bengal Criminal Law Amendment Ordinance, 1924 (I of 1924);

(*ii*) whether any firearm, bomb, ammunition or explosives have been found or seized in any of these searches; and

(*iii*) whether any incriminating document has been found and seized in any of these searches?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble the Member be pleased to state what is the nature of the contents of those documents?

(*c*) Will the Hon'ble the Member be pleased to state in what year and month did the Local Government ask the Governor-General to promulgate an Ordinance to supplement the ordinary criminal law in Bengal?

MEMBER in charge of the POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) There is not time to ascertain the precise numbers of house-searches; 65 arrests were made.

(*ii*) No.

(*iii*) Yes.

(*b*) To publish the contents of the documents would be contrary to the public interest.

(*c*) Government are not at liberty to give this information.

Settlement operations in certain districts.

***III. Babu SATYA KISHORE BANERJEE:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state when settlement operations will begin in the districts of Hooghly, Howrah, Burdwan and the 24-Parganas?

(*b*) How long it will take to finish these operations in each district?

(*c*) What will be the total expenditure in each district?

MEMBER in charge of the DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur): (*a*), (*b*) and (*c*) The survey and settlement operations began in the district of the 24-Parganas in 1923-24. The total estimated period for the completion of the operations in this district is 9 years and the total estimated expenditure is Rs. 42,60,000. As regards Hooghly, Howrah and Burdwan districts, Government are not in a position to make any definite statement at present but it is hoped to begin the traverse survey of Burdwan district in 1926-27.

Appointment of Muhammadans as sub-inspectors in the Calcutta Police.

***IV. Mr. M. DAUD:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state the names of the persons who were appointed as sub-inspectors in the Calcutta Police in November last?

(*b*) Will the Hon'ble the Member be pleased to state the names of the Muhammadan candidates who applied for the said posts?

(*c*) How many Muhammadan candidates were finally selected and appointed?

(*d*) Were one-third of the total posts allotted to Muhammadans?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Government are not prepared to furnish the names of candidates for subordinate appointments in the Calcutta Police.

(c) There were thirteen Muhammadan candidates of whom two were appointed. Of these one was found unsuitable after a fortnight's trial at the training school and was discharged.

(d) Yes. There were six vacancies, two of which were originally allotted to Muhammadans.

Messrs. Anilbaran Ray and Satyendra Chandra Mitra.

***V. Mr. M. DAUD:** Will the Hon'ble the Member in charge of the Political Department be pleased to state whether Messrs. Anilbaran Ray and Satyendra Chandra Mitra, members of this Council, will be allowed to take part in the meetings of this Council commencing on the 7th January to represent the views of their constituents?

The Hon'ble Sir HUGH STEPHENSON: These members will not be able to attened the Council.

Detenues under Bengal Regulation III of 1818 and Ordinance I of 1924.

***VI. Mr. M. DAUD:** Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a statement showing—

(i) the names of persons belonging to the Bengal Presidency detained under Bengal Regulation III of 1818;
(ii) the names of the persons detained under the Bengal Criminal Law Amendment Ordinance, 1924;
(iii) the respective dates of their arrests;
(iv) the names of the jails in which they are detained;
(v) the charges against each of them; and
(vi) the present state of their health?

The Hon'ble Sir HUGH STEPHENSON: (i), (ii) and (iii) A statement is laid on the Library table.

(iv) and (v) Government are not prepared to give this information.

(vi) The information cannot be obtained in time for the question to be answered.

Unstarred Questions

(answers to which were laid on the table).

Dredging of the Madaripur-Haridaspur Bhil Route.

1. Dr. MOHINI MOHON DAS: (a) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether

it is a fact that the Madaripur-Haridaspur Bhil Route is being dredged every year and the earth is thrown on the sides of the *khal*?

(*b*) Is it a fact that compensation is paid to the cultivators of the lands on the banks of the *khal* on account of the damage done to their land by thus throwing earth on their lands?

(*c*) Is it a fact that such compensation was recently paid to the cultivators this year and that the cultivators were caused to refund the same to the Subdivisional Officer of Gopalganj as contributions towards the reception fund organised in connection with His Excellency the Governor of Bengal's last visit to Gopalganj?

MEMBER in charge of the DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur): (*a*) The Madaripur Bhil Route is dredged when necessary and the earth is thrown on the side of the channel.

(*b*) When damage results, compensation is paid to the cultivators.

(*c*) This Department has no information on the subject.

Rorha Khal.

2. Babu TARAKNATH MUKERJEA: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps have been taken for the re-excavation and widening of the Rorha Khal (also known as Arora Khal) in thana Khanakul, district Hooghly, which has already been surveyed?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur: The re-excavation of the Rorha Khal has been postponed until the effect of dredging the Hoorhoora Khal has been ascertained.

Motion for the adjournment of the Council.

Mr. PRESIDENT: Mr. Sen Gupta, have you anything to submit?

Mr. J. M. SEN GUPTA: I do not ask for leave to move my motion for the adjournment of the Council.

Government Business.

The Bengal Criminal Law Amendment Bill, 1925.

The Hon'ble Sir HUGH STEPHENSON: I ask for leave of the Council to introduce a Bill to amend the Criminal Law in Bengal. The Bill is in the hands of members and it will be observed that it follows the provisions of Ordinance No. 1 of 1924 to supplement the ordinary criminal law in Bengal. The operation of the Bill is limited to five

years; in the view of Government there are weighty reasons for enacting the Bill in a permanent form. This was the view of the Rowlatt Committee who say : "The powers which we shall suggest for dealing with future emergencies must be ready for use at short notice. They must, therefore, be on the Statute Book in advance. That fact alone is calculated to have some moral effect, for it is then known exactly what a renewed anarchical movement will encounter. To postpone legislation till the danger is imminent is in our view to risk a recurrence of the history of the years 1906—1917." But in deference to the views of the supporters of Government we have limited its operation to five years. There are one or two differences chiefly due to the fact that in certain matters this Council is not competent to legislate. The most conspicuous of these is the omission of clause 9 of the Ordinance which gives the right of appeal to the High Court to persons tried by the Tribunal; there is no intention of taking away this right of appeal and I am authorised to say that a Bill will be introduced in the Imperial Legislature to provide for it.

I do not want to take up the time of the Council by too lengthy a repetition of facts and arguments that have already been put before the public, but I trust that you, Sir, and the Council will bear with me if I place as concisely as I can before the Council the case for the enactment of the legislation I desire to introduce.

The reasons which lead the Government of Bengal to ask for extraordinary powers and the Governor General to promulgate the Ordinance have been set forth in detail in the two resolutions issued simultaneously with the Ordinance.

As matters already known to the public in connection with the conspiracy three murders, two attempted murders, the discovery of a bomb factory and the issue of inflammatory Red Bengal leaflets announcing "a campaign of ruthless assassination of police officers" and the condemnation "to be despatched forthwith" of all who in any degree help Government were mentioned; the public were also told that Government had definite information of five distinct and specific attempts to assassinate individuals since the beginning of July last, which had never been published. I have been asked why Government did not act immediately after some public outrage which would have attracted sympathy to their side. My reply is that in dealing with a conspiracy such as this the significance of overt acts whether individually or collectively can only be estimated by those who know the inner history of the conspiracy. Government could rightly be blamed for acting hastily if they took stern measures merely because an overt act was spectacular, while they would be false to their own responsibility if they refused to take such action merely because there were no overt acts when their information convinced them that the conspiracy was dangerous. In the Government statement the Serajganj resolution

praising Gopi Nath Shaha is referred to as the starting point of a new impetus to the conspiracy; our information is that for one reason or another pressure was thereafter brought to bear on the leaders not altogether successfully, to postpone overt acts and strengthen their organisation and, a matter of very great importance, our information shows that one important section of the conspiracy were relieved of the necessity of obtaining funds for their operations and the support of absconders through the old channels of dacoities and obtained their funds from elsewhere. The House will appreciate the immense strength this lent to the organisation. I do not propose to labour the point because the existence of a terrorist conspiracy is common ground with the majority of this Council, and I think I can go so far as to say that no member of the Council has any reasonable doubt upon the subject. I will only add to the testimony already received that of a prominent revolutionary who is an absconder. In a leaflet quite recently distributed and proscribed by Government only last week, Sachindra Nath Sanyal, whose revolutionary history may be familiar to many of you, says: "Those who say that there is no revolutionary party in India and so the promulgation of the repressive laws is an oppression, are not telling the truth; for such an organisation of a very big size really exists in India. This party are endeavouring to bring about independence of India through armed revolution." I would like, however, to say a few words as to the nature, extent and danger of the conspiracy. I will first quote from a synopsis of the scheme of organisation drawn up some time ago by a leader who is now a State prisoner. After touching on the system of discipline and the sphere of activities he lays down under the heading topography a series of sub-heads under which information should be collected and recorded; the last five headings are significant, namely—

Government institutions—(*a*) courts, (*b*) thanas, (*c*) treasury and (*d*) post and telegraph offices.

Police stations—number and reserved armed police.

European quarters.

Railway station and railway line.

Houses of monied men—necessary information.

The next heading is "information and spying"; the first four sub-heads here are—

(*1*) Activities of other groups.

(*2*) Activities of Government.

(*3*) Government strength.

(*4*) Sources of accumulating strength—(*a*) men, (*b*) money, (*c*) ammunition.

Coming to training this is divided into Physical and Military; the military is subdivided into (*1*) shooting, (*2*) dagger practices, (*3*) explosives, (*4*) lathi.

Under the heading Intellectual Training is comprised, I quote the words—"a comprehensive study of the last revolutionary movement with a view to reorganise the society on a stronger basis by being more careful than on the former occasion. Enforcement of the principle of secrecy and strict military discipline so far as practical works are concerned".

I do not think it is necessary to add any comments on these quotations.

As regards the extent of the conspiracy I will refer to papers found recently with another member who is now under restraint under the Ordinance. He had been commissioned to organise outside this Province by a secret committee and a copy of the resolutions of that committee were found on him. I will quote five of these resolutions—

(*1*) That only two departments be set up at present—

(*a*) propaganda; and

(*b*) collection of funds and arms.

(*2*) That the following immediate steps be taken as regards propaganda through newspapers and magazines which can be utilised by members of different centres—

(*a*) to set up a campaign against the C. I. D. activities;

(*b*) to set up a campaign against repressive laws and measures;

(*c*) to criticise Congress activities that hinder the work of the association;

(*d*) to preach social revolutionary ideas and communistic principles; and

(*e*) to collect stories, episodes and other material for publication.

(*3*) That every possible care be taken as regards the secrecy of the activities of the Association.

(*4*) That every district organiser should try his best to help the local clubs and associations with principles that may directly or indirectly promote the cause of revolution and to try to become members of the Congress and take part in its activities whenever advisable keeping in view the rules of the Association.

(5) That to provide workers with work it is necessary to divide the district activities into three channels—

(a) village works;

(b) secret works; and

(c) local social functions and activities connected with clubs and associations.

These papers mentioned 23 districts in one area outside this Province in which there are already district organisers at work and the member now under restraint was on his way to strengthen the organisation in those districts.

To emphasise the danger of the conspiracy let me refer for a moment to the question of arms. I have seen it stated that there can be no stock of arms because the police in making their arrests on the 25th October did not come across them. I should have been very much surprised if the police had made any seizure of arms on that occasion. Even in the old conspiracy, it was a cardinal principle that the arms of the revolutionary society should not be kept with the leaders or those prominent in direct action, but should be scattered among those whose activities were thought not yet to be suspected by the police. I was not in India at the time—on the 25th October—but a perusal of speeches and the daily papers shows I think that there was a very general idea that Government was about to take some action, and I think we may take it as perfectly certain that the terrorist party were well aware of the rumours. It was exceedingly unlikely that they would have left any arms in any place which they thought there was the remotest chance of the police searching. As to the existence of the arms and bombs, we have besides our secret information, the fact that they have been used on several occasions. We know that bombs have been prepared in Calcutta; six bombs and one unloaded shell were found at the Ward Institution, Manicktala, but our investigations showed that many more shells had been made, and a recent case in Faridpore under the Explosives Act shows that the preparation was not confined to Calcutta; we know that individual weapons and small parcels of weapons have been smuggled through the customs in considerable numbers; 34 revolvers and automatic pistols have been recovered by the police in Calcutta during the year; of these 17 were captured in attempts at smuggling. But dangerous as past experience has shown these comparatively small number of weapons to be in the hands of men of this type, an even greater danger would be the possession by these men of a large store of firearms sufficient to encourage the madness of open revolution and anarchy. We know that during the last war the revolutionary party made desperate efforts with German help to get a cargo of arms landed in India; they failed, but during the past year at least three more attempts have been made. Unfortunately, in post-war conditions it is far easier than before to obtain

firearms and there are adventurers in most countries who are willing to provide firearms to any one who can pay the price and arrange for the receipt. We know that there is one organisation in Germany and another under a well-known leader in the Far East which have for some time been endeavouring to get consignments of arms into India. Members of the Council may recollect that within the last year there have been accounts of a considerable number of seizures of arms on ships at Durban, Colombo, Shanghai, Singapore and other places. We have reliable information confirmed from sources with which the Bengal Police have nothing whatever to do, that the ultimate destination of at least two of the cargoes seized was in India.

I will not further labour the point of the existence of the terrorist conspiracy; it has been admitted by those who have been loudest in denouncing our attempts to deal with it. I do not propose to repeat here what has been said elsewhere of the evils of terrorism, the dangers of its growth and the insidious nature of its spreading into all walks of public or even private life. I think the Council will agree that the unrestricted growth of a terrorist group is incompatible with the existence of any government whether swaraj or not. The evil, therefore, has to be tackled and I know of only two ways of doing it. The first which is one that has been strongly pressed on us in the press and in speeches, is the punitive line; to simplify criminal procedure and to rely on the punishment in the courts of those who commit offences. We have tried this during many years in the past; many cases broke down through the impossibility of getting our witnesses into court, through intimidation, through the murder of witnesses, approvers and police officers but it is true, and this is the fact that is made much of by those who press this course on us, that in a certain number of cases we did obtain convictions. But the cardinal fact is that the terrorists emerged from these often very lengthy trials stronger than at the beginning while the forces of Government were weaker. I have previously quoted in this Council the testimony of the revolutionaries to this fact and I may perhaps quote it again: "Government realised that very little harm was done to the revolution. A few persons were punished but the revolutionary movement went on as usual in the country." This fact has been emphasised by the Bengal Government in all the correspondence that lead up after many years to the Defence of India rules. Lastly, I may quote the conclusions of the Rowlatt Committee: "We may say at once that we do not expect very much from punitive measures. The conviction of offenders will never check such a movement as that which grew up in Bengal, unless all leaders can be convicted at the outset. Further, the real difficulties have been the scarcity of evidence due to various causes and the want of reliance, whether justified or not, on such evidence as there has been. The last difficulty is fundamental and cannot be remedied. No law can direct a court to be convinced when it is not." The second

alternative is the one we propose to take, *viz.*, to meet the danger not by punitive but by preventive measures; it has always been and will continue to be our policy to place before the Courts all cases of offences against the ordinary law where we can do so without endangering our system of intelligence, but the essence of this method is to acquire information as to the terrorist organisation and the doings of its members, and to take preventive action only when it is necessary to prevent crime or paralyse the activities of the conspiracy. In this, two things are of the highest importance; *first*, that the organisation shall not know the extent of our knowledge; we know from past experience that their uncertainty on this point has a very crippling effect; *second*, that our methods of working and our sources of information shall not, directly or indirectly, be divulged or endangered; any rashness or carelessness on this point will deprive us of all information in the future. It follows from these two essentials that we cannot take the public into our confidence; but we can point to the past to the Rowlatt Committee's report, to that of Mr. Justice Beachcroft and Mr. Justice Chandravarkar; the whole of the workings of our intelligence system were laid bare before the gentlemen, almost entirely judicial who composed these committees and we are prepared to stand by their verdict. Let me quote the verdict of Justices Beachcroft and Chandravarkar: "The total number of cases advised on by us is 806. In six of the total number of cases examined by us we have advised Government that there are not sufficient grounds in our opinion for believing that the parties concerned have acted in a manner prejudicial to the public safety or the defence of British India, and that, therefore, they should be unconditionally released. In the rest we have advised that the parties have in our opinion so acted." The two Judges before whom the cases of the persons arrested under the Ordinance have been placed, have in every case agreed with the opinion of Government that there are reasonable grounds for belief. I should like to mention specifically three cases which have been used in the press to throw doubts on the efficiency, if not on the *bona fides*, of our methods of working. The first two are those of Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra; it has been said that no one will believe that they had anything to do with terrorist crime and that, therefore, the secret information of the police must have been false, and Government may equally well be deceived by such false information now. I never knew Babu Aswini Kumar Dutt but I hope that Babu Krishna Kumar Mitra will not be ashamed if I call him my friend, and I whole-heartedly acquit him of sympathy with terrorist crime. But as far as I know no one has ever accused him or Babu Aswini Kumar Dutt of promoting crime still less of taking part in it. The Bengal Government asked for the arrest under Bengal Regulation III of 1818 of Babu Krishna Kumar Mitra in 1908 because his violent boycott speeches and his activity in organising volunteers involved the danger of internal commotion. In

the same way the Eastern Bengal Government asked for the use of the said Regulation in the case of Babu Aswini Kumar Dutt because of his whirlwind campaign of anti-government speeches and of his control of the Braja Mohan Institution from which a stream of seditious preachers was constantly pouring. In both these cases the activities for which these gentlemen were restrained were open and public; there was no need of secret police information and there was none; there was no question of Government being deceived or of police information being false and the argument that it is sought to found on these two cases falls to the ground. The third case is founded on a report of a statement in Parliament by Mr. Scurr that he "understood that the only charge against the Chief Executive Officer of the Calcutta Corporation was that he had attended a meeting at which there was talk of criminal conspiracy". It would be interesting to know who supplied this information to Mr. Scurr and what was the particular meeting he referred to; but after the repeated declarations of Government it ought not to be necessary to inform the Council that Mr. Scurr's information is entirely wrong and that if the information in the possession of Government did not convince them that all the conditions necessary for action under the Ordinance were completely fulfilled in this case the gentlemen in question would not remain under restraint.

I will not trouble the Council with much discussion of the theory that our action has been directed not against the terrorist conspiracy but against a political party, the swaraj party, because I think there are very few persons who really hold that theory. It is said that 62 of the persons arrested were swarajists. I have no personal knowledge of the political labels of any of these persons except three but I do know that out of 111 persons now under restraint 69 have either been convicted of political crime or been previously restrained for personal participation in revolutionary activities; these persons at all events were revolutionaries before they were swarajists. I would remind the Council that on the 20th August, 1923, when warning the house of the imminent danger of the revival of terrorism I said: "If this danger is to be met, it must be met with the support of this Council and I feel confident that Government can count on the support of this Council, on the support of all parents in Bengal, and of all true lovers of Bengal in every endeavour we have to make to stamp out this insidious conspiracy." At that time there was no political swaraj party. On the 25th January, 1924, within a month of the leader of the swaraj party being offered office by His Excellency, I said in this Council: "We cannot divest ourselves of the responsibility and as long as there are powers at our hand which may be sufficient to enable us deal with the situation it is undoubtedly our duty to use them. If those powers are not sufficient then we shall come to the Council and ask for further powers, and the Council may prefer to give us those powers in another form but the power to be given must be efficient. I am optimistic enough to believe that should the occasion arise the Council

will give us those powers because the alternative is the triumph of anarchy and murder." After these clear warnings of the measures that it would probably be necessary to take to deal with the terrorist menace, warnings uttered at a time when the swaraj party either did not exist in this Council or had just been offered responsible office in the Government, when we do take the measures foreshadowed against the terrorist organisation the public are asked to believe—*firstly*, that we are fools enough to desire to crush any political party acting legally and constitutionally; *secondly*, that we had the prescience to lay our plans over a year ago; and *thirdly*, that we are so stupidly inefficient in our measures to that end that the chief comment on our action was not that we have harmed the swaraj party, but that we have given it a new lease of life.

I am aware that it has been urged that there is a third method open to us of dealing with the terrorist menace, *viz.*, the prescription put forward by those leaders who agree with our diagnosis of the disease. That is the establishment of swaraj or provincial autonomy or some further advance on the road thereto. It is claimed that this will produce an atmosphere in which terrorism cannot flourish. Now, Sir, I entirely deny that this is a method of dealing with a terrorist conspiracy at all. I regard this terrorist conspiracy as a thing entirely apart by itself, a danger that must be faced and got rid of because of its own intrinsic evil; it is on a seperate plane entirely from any thing like constitutional politics. If political parties wish to go on pressing for constitutional changes, for what each of them means by swaraj, by all means let them do so; no measure that we are asking the Council to pass will interfere with that in any way; we are pledged to a goal and we have no intention of letting terrorism interfere with our advance to that goal. But to link terrorism to political changes is not to destroy terrorism but to encourage it. I have reason to believe that the opinion is prevalent with very many people that although violence and terrorism will never bring a nation political freedom they are not bad instruments with which to weaken a government; in the words of a leading article in an Indian paper recently, they are the "sappers and miners of the constitutional advance", and it is claimed that their use is always followed by an advance. That, Sir, I think is a misreading of the facts and is based on a profound misunderstanding of psychology. To my mind it is a conception that is fatal to the future of swaraj; to identify political progress with political blackmail is to poison the springs of future political life. If the atmosphere can be improved if the clouds of distrust and racial hatred can be blown away by all means let us all do what we can towards it. But terrorism can have no part in this; it is a stumbling block in all the paths that lead towards our common goal.

It is on the basis that there exists a terrorist conspiracy and that it is Government's first duty to grapple with it that I bring forward this

Bill. I have given the reasons why Government and here I speak for all my colleagues, Indian and European alike, consider that there is not alternative method of grappling with it, and I shall ask the Council not to take the responsibility of refusing to give us the powers which with a full sense of our own responsibility in the matter, we are convinced are absolutely necessary to enable us to remove the common menace.

Mr. PRESIDENT : Order, order. The House will now adjourn for 10 minutes. When the Council reassembles, I shall put the motion that leave be given to introduce the Bill and if there is any opposition I will under section 50 accept only one speech in opposition and thereafter I shall, without further debate, put the question. The House will now adjourn for 10 minutes.

The Council was then adjourned.

[After the adjournment.]

Sir P. C. MITTER : As a signatory to the Rowlatt Report, it is my painful duty to oppose this motion and I must naturally stand by the recommendations of that report. The present Bill departs from the recommendations of the Rowlatt Report in almost every important question of principle and proceeds on the Defence of Indian Act. The Rowlatt Committee had before it the Defence of India Act which was a war-measure; they accepted some of its principles but did not accept others and laid down new principles of its own—principles which my honourable friend Sir Hugh Stephenson is aware of. Sir, I intend to be very brief. I may point out to the Council that these principles are set forth at pages 206 and 207 of the Government publication. However much the public may criticise the Rowlatt Report, Government, in my opinion, has no justification whatsoever to go back upon the recommendations of the Rowlatt Report (Hear, hear). As the only non-official Indian who was privileged to examine the inner workings of the revolutionary movement, I claim I have some right to speak on this subject. I may begin by saying that I believe that there is at the present moment a revolutionary movement. I believe also—and I have always held the opinion, and I am still of the same mind—that, apart from other considerations, in the interest of the very important question of our national aspirations—this revolutionary movement must be checked : but I am sorry to say, Sir, that the Bill proposes not a physician's treatment of the malady but a quack's remedy (Hear, hear). I think that if the Bill be certified or passed by the Legislative Council, it will not only fail in its object but will perhaps be, although it is farthest from the intentions of the members of the Government, a helpful measure towards the propagation of the revolutionary movement. In view of the dangerous nature of the movement, I do not like to further elaborate my reasons publicly on this point. This being my view, I have, after

mature consideration, come to the conclusion that in the very interest of the object Government have in view and out of loyalty to the Committee on which I had the privilege to serve, I must oppose this Bill. But I want to be helpful towards the Government and the public and I would suggest very shortly certain constructive proposals. My suggestion to the Government and the public is and I am only repeating here certain amendments which had been disallowed by you, Sir, that Government should re-enact Part I of the Rowlatt Act. This should be done as a temporary measure and the Act should remain in force for three years.

Mr. E. VILLIERS: May I rise to a point of order? Is the hon'ble member in order in moving amendments while opposing the Bill?

Mr. PRESIDENT: Sir Provash is quite in order. The amendments to which he alludes were disallowed as being irrelevant to the provisions of the Bill. He is now putting them forward as constructive proposals in explanation, I understand, of his determination to vote against the motion, in other words, it is an alternative to the Bill which he proposes and he is perfectly entitled to do so.

Sir P. C. MITTER: The Act should remain in force for three years—the life of the Rowlatt Act. If the Government feels too apprehensive it may even re-enact some portions of Part II, but it would be against the recommendations of the Rowlatt Committee to re-enact Part III of the Act on the case made out by Government. I would, however, point out that even the re-enactment of the whole of the Rowlatt Act is quite a different proposition from the passing of the present Bill; I hope it will not be too late for the Government to accept this humble suggestion of mine.

I may mention, Sir, that in putting forward these views I do not profess to represent my party opinion. The opinion of liberals in Bengal has been embodied in the letters of the Indian Association and of the All-India Liberals in the resolution of the Liberal Federation. My opinion differs from my liberal friends, as it is based on knowledge which they do not possess. It also differs from Government opinion as my association with political movements and political activities of the last 30 years gives me an insight into an aspect of the question which is not available to any members of the Government, British or Indian (Hear, hear).

I trust the Government and the public will not misunderstand me. I have no right to arrogate, and indeed I do not arrogate, that the Government and the public in holding these opposing views are necessarily wrong. As a public man, I consider I am not only justified in placing my views before them, but I should have been failing in my duty if I shirked doing so.

The motion that leave be given to introduce the Bill was then put, and a division taken with the following result:—

AYES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ali, Mr. Altaf.
Band, Mr. R. N.
Barton, Mr. H.
Beg, Khan Bahadur Mirza Shujaat Ali.
Birley, Mr. L.
Carey, Sir Willoughby.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chainuddin, Khan Bahadur Maulvi Md.
Cohen, Mr. G. J.
Cooper, Mr. C. G.
Corcoran, Mr. B. J.
Currie, Sir William.
Dey, Mr. G. G.
Donald, the Hon'ble Mr. J.
Doss, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Eddis, Mr. B. E. G.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Godfrey, Sir George.
Goode, Mr. S. W.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General R.
Hopkyns, Mr. W. S.
Hossain, Khan Baradur Maulvi Musharruf.
Huq, Maulvi A. K. Fazl-ul.
James, Mr. F. E.
Khaitan, Babu Debi Prosad.
Liddall, Mr. H. C.
Marr, Mr. A.
Moreno, Dr. H. W. B.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Pahlowan, Maulvi Md. Abdul Jubbar.
Phelps, Mr. T. J.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kishaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Skinner, Mr. S. A.
Stephenson, the Hon'ble Sir Hugh.
Swan, Mr. J. A. L.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Woodhead, Mr. J. A.

NOES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebeddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarti, Mr. Syamkes.
Chakraverty, Babu Sudarsan.
Chatterjea, Babu Umes Chandra.
Chaudhuri, Rai Harendrgnath.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohen.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Maheendra Nath.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Mukerjea, Babu Tarakanath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.

Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinirangan.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Suhrawardy, Dr. A.
Suhrawardy, Mr. H. S.
Taraifdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 57 and the Noes 66, the motion was lost.

Adjournment.

The Council was then adjourned.

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